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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,455	12/13/1999	STEVEN E. GARDELL	96-3-511-CON	2494

32127 7590 04/28/2005

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EXAMINER

DINH, DUNG C

ART UNIT PAPER NUMBER

2152

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/460,455

Applicant(s)

GARDELL ET AL.

Examiner

Dung Dinh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/11/05 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 6-7, 9-10, 12-13, 15-16, 18-22, 25, 27-28, 30-33, 36-45, 50, 53-56, 59-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

#### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/11/04 has been entered.

#### ***Response to Arguments***

Applicant's arguments filed 11/11/04 have been fully considered but they are not persuasive. *Kikinis* still reads on the claims as amended. The web page requested by a client device in *Kikinis* is the claimed "first network information". *Kikinis* teaches the proxy caches the requested web page (i.e. for use to meet other requests) (see col.12 lines 24-30). Therefore, *Kikinis* teaches the information related to the current session (i.e. files needed to render the requested web page) is captured and used in another request from another user's device as claimed.

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The following is a quotation of the second paragraph of 35

U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, it is unclear if the recitations of the "first network information" on lines 3 and line 5 are referring to the same information or different sets of information. It is unclear as to what information constitutes "the first information related to the current session". For the purpose of the rejection below, the examiner is reading the limitation to mean the information being requested in line 3 of the claim.

Claim 50 is similarly rejected as stated for claim 1 above.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**Claims 1, 3-4, 6-7, 9-10, 12-13, 16, 18-22, 25, 27-28, 30-33, 36-45, 50, 53-56, 58-69 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis US patent 5,727,159.**

As per claim 1, Kikinis teaches an apparatus (proxy server 19) essentially as claimed, comprising:

means for receiving request and means for retrieving first network information having interactive elements [fig.4, #81 - #97], including means for capturing the first network information related to the current session. [see col.12 lines 24-30. The proxy caches the requested web page for later use].

means for creating second network information comprising display information [images #101] and definitions [layout #99] based on characteristic of the interactive elements [col.7 lines 12-24, 44-55, col.10 lines 56-68];

means for transmitting the second information [fig.4 #105].

means for using the captured first network information in another request [the proxy make use of the cache when the same mobile device or another mobile device make request to the web pages already stored in the cache].

As per claim 3, Kikinis teaches means accessing the internet [col.4 lines 25-28].

As per claim 4, Kikinis teaches translating the information from first format to second format [fig.4 #99 - #103].

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As per claim 6, Kikinis teaches means for receiving user request related to the definition [fig.4 - request to a WEB page 76 - a web page is an HTML encoded file with definition of information to be rendered].

As per claims 7, 9-10, 12-13, 16, 18-22, 25, 27-28, 30-33, 36-45, 50, 53-56, 58-69, they are rejected under similar rationales as for claims 1,3-4, and 6 above.

***Claim Rejections - 35 USC § 103***

**The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis US patent 5,727,159.**

As per claim 70, Kikinis does not specifically disclose the network information including MPEG information. However, official notice is taken that it is well known to provide video via MPEG over the Internet. Kikinis discloses providing conversion for multimedia data provided over the Internet [col.6 lines 55-68]. Hence, it would have been obvious for one of ordinary skill in art

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to have conversion for MPEG so as to enable the client device to view the video data.

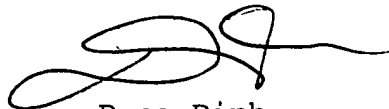
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (571) 272-3943. The examiner can normally be reached on Monday-Friday from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (571) 272-3949.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dung Dinh  
Primary Examiner  
April 26, 2005

Continuation of Disposition of Claims: Claims pending in the application are 1,3,4,6,7,9,10,12,13,15,16,18-22,25,27,28,30-33,36-45,50,53-56 and 59-70.